

### **REMARKS**

Claims 1-5 and 26-55 are currently pending in the subject application and are presently under consideration. In this response, claim 49 has been cancelled, claims 56-59 have been added, and claims 1, 2, 4, 26-31, 34-38, 40, 43-48, and 50-55 have been amended as shown on pp. 2-9. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Specification**

The specification is objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner alleges that the specification is devoid of terms such as “apparatus” as recited in claims 51-54. Without conceding the propriety of the stated objection, and only to advance the prosecution of this matter, Applicants’ representative has amended each of claims 51-54 so as to replace the term “apparatus” with the term “computing device” (*See Published Application, Paragraphs 0023-0026 & Figure 1, element 20*). Accordingly, withdrawal of this objection is respectfully requested.

#### **II. Rejection of Claims 1-5 and 26-29 Under 35 U.S.C. § 101**

Claims 1-5 and 26-29 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Without conceding the propriety of the stated rejection, and only to advance the prosecution of this matter, Applicants’ representative has amended independent claim 1 (*See Published Application, Paragraphs 0023-0026 & Figure 1, elements 21 and 22*), and respectfully submits that claim 1 even more clearly recites statutory subject matter within the bounds of 35 U.S.C. §101. Accordingly, withdrawal of this rejection is respectfully requested as applied to claim 1 (and claims 2-5 and 26-29, which depend there from).

#### **III. Rejection of Claims 1-5 and 26-29 Under 35 U.S.C. § 102(b)**

Claims 1-5 and 26-29 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by US Patent No. 6,266,788 to Othmer *et al.* (hereinafter “Othmer”). It is respectfully submitted that Othmer does not disclose every feature recited in the Applicants’

claims. In particular, this rejection should be withdrawn for at least the following reasons.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every*** limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Without acquiescence to the Examiner's rejection, in the interest of expediting prosecution and further clarifying the claimed subject matter, Applicants' representative has amended independent claim 1. As amended, claim 1 recites *inter alia* "[an] aggregation module configured to aggregate [ ] application issue data by application and ***as a function of a qualitative priority.***"

Othmer does not disclose at least the aforementioned aspects recited in claim 1. Othmer generally relates to categorizing and characterizing data sets generated by computer-based systems. Specifically, Othmer discloses utilizing a server to categorize and characterize incidents, including software crashes, hardware crashes or errors that occur on such computer-based systems. (*See e.g.*, Othmer, Column 6, lines 28-32). However, rather than aggregating data "as a function of a ***qualitative*** priority," as recited in claim 1, Othmer simply discloses ***quantifying*** the number of incidents reported by such computer-based systems. (*See e.g.*, Othmer, Column 8, lines 32-36). Moreover, Othmer's use of a frequency counter (*See e.g.*, Column 6, lines 60-64) to determine the importance of a problem is limited to a ***quantitative*** metric based on the particular function/routine in which the problem occurred. Othmer therefore does not disclose or suggest at least "to aggregate [ ] application issue data by application and ***as a function of a qualitative priority.***" as recited in claim 1.

Furthermore, since Othmer does not disclose aggregating data according to a ***qualitative priority***, it is respectfully submitted that Othmer cannot teach or suggest a portal server "wherein the application issue data further comprises blocking issue data, quality issue data, and compatibility fix issue data, and ***wherein the qualitative priority is a function of whether the application issue data is blocking issue data, quality issue data, or compatibility fix issue***

*data*,” as recited in dependent claim 26. Nor can Othmer be said to teach or suggest “wherein the customizable user interface further comprises a presentation including the names of the applications associated with the corresponding ISV, a number of blocking issue data items associated with each of the applications associated with the corresponding ISV, **a number of quality issue data items associated with each of the applications associated with the corresponding ISV**, and a number of compatibility fix issue data items associated with each of the applications associated with the corresponding ISV,” as recited in dependent claim 28.

In view of at least the above-discussed features, it is respectfully submitted that Othmer does not disclose each and every aspect recited in independent claim 1 (and claims 2-5 and 26-29 which depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claims 30-55 Under 35 U.S.C. § 103(a)**

Claims 30-55 stand rejected under 35 U.S.C. § 103(a) as being allegedly anticipated by Othmer in view of US Patent Publication No. US 2002/0087915 to Perla *et al.* (hereinafter “Perla”). It is respectfully submitted that Othmer either alone or in combination with Perla does not obviate every feature recited in the rejected claims. Moreover, it is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Without acquiescence to the Examiner’s rejection, in the interest of expediting prosecution and clarifying the claimed subject matter, Applicants’ representative has amended claims 30, 45, 48, 51, and 53. Similar to amended claim 1, each of independent claims 30, 45, 48, 51, and 53, as amended, encompass aspects not shown or suggested by the cited art. For instance, claim 30 recites a user interface that includes, *inter alia*, “a search pane configured to receive an input pertaining to at least one search term, whereby data stored in the data sources is aggregated as a function of the at least one search term and **a qualitative priority**.”

As stated previously, Othmer generally relates to categorizing and characterizing data sets generated by computer-based systems, and Othmer nowhere discloses aggregating application issue data according to a **qualitative priority**. Perla does not cure the deficiencies of Othmer. Perla generally relates to handling errors in web-based applications, and more particularly to a schema for supporting multilingual error handling. However, Perla merely teaches providing a Hosted Markup Language (HML) for providing flow and metadata in an

external file (*See e.g.*, Perla, Paragraph 0040). Moreover, Perla merely teaches providing an HML to facilitate multilingual error handling within the context of generating error messages, wherein nowhere does Perla discuss the relevance of an error's priority. Perla cannot therefore disclose "a search pane configured to receive an input pertaining to at least one search term, whereby data stored in the data sources is aggregated as a function of the at least one search term and *a qualitative priority*," as recited in claim 30.

Accordingly, Othmer either alone or in combination with Perla cannot be said to disclose at least the above-discussed features of claim 30 (and claims 31-44 which depend there from). For the same or similar reasons, Othmer either alone or in combination with Perla cannot be said to disclose "aggregating application issue data from [ ] data sources as a function of *a qualitative priority*," as recited in each of claims 45, 48, 51 and 53 (and claims 46-47, 50, 52, and 54-55 which respectively depend there from). Accordingly, it is respectfully submitted that Othmer either alone or in combination with Perla fails to obviate the subject claims, and withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [VMAPP101US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Steven Gaulding or Applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
TUROC & WATSON, LLP

/Daniel Castro/  
Daniel Castro  
Reg. No. 60,359

TUROC & WATSON, LLP  
127 Public Square  
57<sup>th</sup> Floor, Key Tower  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731